

REMARKS

Claims 4-17 are pending in the application and were rejected. New claims 18 and 19 have been presented in this amendment. Reconsideration is requested in view of the above amendments and the following remarks.

Applicant notes the Examiner's positions and has presented further claim amendments in order to more particularly distinguish the present invention. New claims 18 and 19 have been added to articulate further distinguishing features of the invention. The amendments and new claims are fully supported by the specification (see par [0009]), and no new matter has been introduced.

Applicant notes the provisional rejection, and will submit a terminal disclaimer when that is the only rejection that remains. Claims 4-17 stand rejected as being provisionally rejected on the ground of nonstatutory obviousness-type double patenting in view of:

claims 1-13 of copending application no. 09/800,314;

claims 1-36 of copending application no. 10/655,387; and

claims 1-12 of copending application no. 09/838,979.

Reconsideration of the rejection is respectfully requested in view of the above amendments and the remarks presented herein. In the event the Examiner maintains this rejection, Applicant acknowledges that it may be overcome by submitting a terminal disclaimer.

Claims 4-17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,070,528 ("Hawe") in view of US Patent 6,393,568 ("Ranger"). This rejection is

respectfully but strenuously traversed and reconsideration and a withdrawal of the rejection is hereby respectfully requested.

Applicant has amended the claims to more particularly distinguish the invention over the cited references. The Examiner's comments acknowledging the Applicant's asserted distinctions over Hawe and the indication that that the claim language is broad have been considered. Applicant has amended claims 1 and 12 (each of the independent claims) in order to distinguish the Applicant's presently claimed invention over the cited references. Applicant's claims now recite that the information reviewed by the proscribed code scanner is information which is preexisting in the secure code. This is in contrast to Hawe which appends matter (a cryptographic preamble) which is in addition to the information packet being transferred. Hawe does not disclose the Applicant's claimed invention where information that preexists in the secure code, and not something appended thereto after its receipt, is what the Applicant's proscribed code scanner reviews. Applicant's invention may provide a decryption component, but that is not provided by Hawe for the secure code. Rather, what Hawe seeks to process is merely what it adds to the incoming packet. Applicant processes secure code on a communications channel.

Claims 1 and 12, as now amended, recite the feature of "said proscribed code scanner reviewing information that preexists in said code prior to said code being intercepted." This further defines the Applicant's claimed apparatus and proscribed code scanner.

Hawe would not meet this claimed feature, since Hawe would not review information that preexists in the code. Rather, in Hawe what is reviewed is information

after it is altered with a cryptographic appendage, and more specifically, the cryptographic appendage itself. Hawe clearly states that:

In terms of a novel method, the invention comprises the steps of appending a cryptographic preamble to the beginning of an information packet for which cryptographic processing is needed; passing the information packet to a cryptographic processor; detecting, in the cryptographic processor, that cryptographic processing is needed; analyzing the cryptographic preamble to determine the location in the packet of material to be cryptographically processed, and the type of cryptographic processing to be performed; performing the requested cryptographic processing; and stripping the cryptographic preamble from the packet if the packet is to be transmitted onto the network, to preserve compatibility with existing packet formats transmitted over the network.

(Hawe, col. 6, lines 21-35)

Hawe requires that the beginning of each information packer be handled as Hawe discloses, requiring that there be a cryptographic preamble prepended to the beginning of a code sequence. Hawe's disclosure merely is of cryptographic processing of this added appendage.

Applicant's invention discloses and claims in amended claims 1 and 12 that the information reviewed by the proscribed code scanner is information (secure code) which was preexisting in the code that is to be processed, prior to that code being intercepted, and that this preexisting secure code is what is processed and reviewed. In other words, the information to which the Applicant's parsing and scanning process is applied is content that is already present in the secure code intercepted by the parser. Hawe does not teach or disclose this feature, but rather, according to the Hawe method, there is a disclosure and requirement to prepend to the beginning of a packet (or code sequence as the Examiner would appear to consider it to be) a cryptographic preamble. The

cryptographic preamble, something not in the original code, but added by Hawe's process, is what Hawe reviews and processes.

Hawe, unlike Applicant's invention, also discusses the step of removing the added appendage as an additional step of its disclosure. This further demonstrates why Hawe fails to disclose or even suggest the Applicant's claimed invention. Hawe discloses stripping the cryptographic preamble from the packet if the packet is to be transmitted onto the network, to preserve compatibility with existing packet formats transmitted over the network.

Hawe provides an appendage of information to the content which the Examiner considers to be evaluated by Hawe. Taking Hawe for what it actually discloses, it pertains to being able to detect the information which has already been appended with a string. That is what Hawe is disclosing. This is not the processing of information preexisting in the code, as Applicant's claims recite, but rather, appears to be a disclosure of processing of information placed into the code by the method or processing steps of Hawe. Applicant's claimed apparatus and method which use preexisting information in the code, and not a prepended cryptographic preamble as Hawe requires, are distinguishable, and should be patentable over Hawe.

Applicant has added new claim 18 to more particularly recite the relationship of the communications channel and the protocol parser, and articulate how the parser is configured in order to further define the Applicant's invention over Hawe. Claim 18 recites that the secure server and secure client and original server and original client may handle processing of secure code. The invention recited in claim 18 articulates an apparatus different than Hawe.

Claim 19 has been added to more particularly articulate the method along the lines of the secure server and secure client relationship defined and recited in claim 18.

For the above reasons, and for these additional reasons, the invention recited in claims 18 and 19 should be patentable.

Even if the Examiner's combination is made (i.e., of Hawe and Ranger), following Hawe's teaching still would include prepending a cryptographic preamble, and that is not the Applicant's invention. In other words, without the appendage Hawe would be rendered unfit for its intended purpose. Therefore, any meaningful application attempted by the Examiner, in particular, applying Ranger to Hawe, must also carry with it Hawe's operational method, which includes prepending a string to the front of a code sequence.

Since the Applicant's invention does not rely on the prepending of a string to the code, but rather is capable of processing the secure code in the form in which the secure code is intercepted from the communications channel by the parser, it should not be obvious in view of Hawe, even when Hawe is combined with Ranger.

Applicant respectfully requests reconsideration of the pending claims, and earnestly solicits their allowance. In the event further matters remain in connection with the application, an interview is requested.

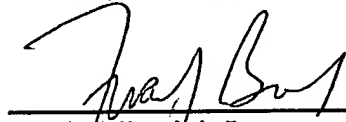
CONCLUSION

Applicant's invention is not taught, suggested or disclosed by the cited references relied on by the Examiner. Accordingly, Applicant's presently claimed invention should be patentable.

If necessary, an appropriate extension of time to respond is respectfully requested.

The Commissioner is authorized to charge any additional fees which may be required to Patent Office Deposit Account No. 05-0208.

Respectfully submitted,
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